

November 1, 2013

**Arkansas Department of Environmental Quality
RCRA FY2013 End-of-Year Review
(10/1/2012 - 9/30/2013)**

Data completeness, accuracy and timeliness (State Review Framework (SRF) Metric 1, 2 and 3):

ADEQ's data in RCRAInfo is complete, accurate and timely. EPA did not encounter any problems of any significant in preparation of this report.

Inspection Coverage: Degree to which state completed the universe of planned inspections/compliance evaluations (SRF Metric 5):

<i>TSDFs</i>	Evaluation Count	Facility Count	Universe	Covered*	State Evaluation Projection
<i>Federal Facilities</i>	1	1			
<i>Private</i>	18	18			
<i>State Facilities</i>					
Total	19	19	11	Exceeded NPM requirement	

Evaluation Count and Facility Count include all Evaluation Types conducted at any, Treatment, Storage and Land Disposal (TSDF) facilities.

During the period of October 1, 2012 through September 30, 2013, ADEQ conducted 15 CEIs, one (1) FCI, and three (3) CACs at TSDFs. In addition, one (1) GME and three (3) OAM TSDFs inspections, see RCRAInfo report dated October 7, 2013.

*(This column only calculates the % covered using CEI, GME's and OAM Evaluation Types, for purposes of meeting the National Program Guidance (NPM) requirement of evaluating 50 percent of the "Operating" TSDF Universe (100% every 2 years), multiple evaluations of the same facility count as only one inspection.)

Large Quantity Generators	Evaluation Count	Facility Count	Universe	% Covered *	State Projection
<i>Federal Facilities</i>	1	1			
<i>Private</i>	40	28			
<i>State Facilities</i>	0	0			
Total	41	29	144	20%**	

Evaluation Count and Facility Count include all Evaluation Types conducted at any Large Quantity Generators, including multiple inspections at a single facility.

*(This column only calculates the % covered using Compliance Evaluation Inspection (CEIs) Types, for purposes of meeting the National Program Guidance requirement of evaluating 20% of the LQG Universe annually (inspecting 100% of the LQG universe in 5 years), multiple evaluations of the same facility count as only one inspection.)

**29 LQGs were used in the calculation of Universe coverage for FY2013 (only LQG facilities that received a CEI inspection (includes TSDF facilities where a CEI was conducted and the facility is also a LQG), multiple evaluations of the same facility were not included in this count). The LQG universe was determined based on the information in RCRAInfo no later than August 1 of each year. As of August 1, 2012, Arkansas's Biennial Report LQGs universe included 144 facilities.

ADEQ requested and received approval to use an Alternative – The Straight Trade-Off Approach, ADEQ was given approval to conduct 15 LQGs CEIs and 14 CEIs SQGs. For FY2013, ADEQ conducted 17 CEI at LQGs and 15 CEIs at SQGs, exceeding the approved Alternative Approach. One concern about this approach was whether the level of effort was to be the same as that for a LQG inspection. ADEQ concluded the time and resources used to prepare the summary of these inspections was an average of 22 hours for the LQG versus 16 hours to complete a report for the SQG. They did discover targeting of SQGs has yielded formal enforcement actions for various significant noncompliance issues.

ADEQ is to be commended for the effort used to document in RCRAInfo and written communications all inspections and enforcements activities.

Other Facilities	Evaluation Count	Facility Count	Universe	% Covered	State Projection
<i>Small Quantity Generators</i>	27	23			
<i>Conditionally Exempt Small Quantity Generators</i>	2	2			
<i>Not in Any Universe</i>	27	21			
<i>Transporters</i>	3	1			
Total	59	47			

Evaluation Count and Facility Count include all Evaluation Types conducted at Small Quantity Generators (SQGs), Conditionally Exempt Small Quantity Generators (CESQEG), Not in Any Universe and Transporters, including multiple inspections at a single facility. There is no National Program Guidance coverage requirement for these types of facilities.

During FY2013, ADEQ received and investigated 69 complaints that were outside of the planned inspections. During this same period ADEQ submitted the information below that indicate their Work plan Commitments and inspections result. This data was obtained from ADEQ self reporting FY2013 RCRA Work plan End-of-Year Report and RCRAInfo dated October 7, 2013.

<i>Types of Inspections</i>	<i>ADEQ Commitments FY 2013</i>	<i>Evaluation Count</i>
<i>CAC – Corrective Action Compliance</i>	0	5
<i>CAV – Compliance Assistance Visit</i>		0
<i>CEI – Compliance Evaluation Inspection</i>	28	53
<i>FCI – Focused Compliance Inspection</i>	0	10
<i>FRR – Financial Records Review</i>	0	16
<i>Non-Financial Record Review</i>	0	12
<i>GME – Groundwater Monitoring Evaluation</i>	1	1
<i>OAM – Operation and Maintenance</i>	3	9
<i>Complaints</i>	0	69
<i>Closure/Post Closure Inspection</i>	0	2
Total	32	177

Evaluation Count includes all Evaluation Types at all facilities including multiple inspections at a single facility.

Chart below indicate EPA reporting result obtained from RCRAInfo dated October 25, 2013, for the same Evaluation Types with ADEQ input.

<i>Types of Inspections</i>	<i>Facility Count</i>	<i>Evaluation Count</i>
<i>CAC – Corrective Action Compliance</i>	6	7
<i>CAV – Compliance Assistance Visit</i>	0	0
<i>SNN – Significant Non-Complier</i>	18	19
<i>CEI – Compliance Evaluation Inspection</i>	52	55
<i>FCI – Focused Compliance Inspection</i>	11	11
<i>FRR – Financial Records Review</i>	16	16
<i>FUI – Follow-Up Inspection</i>	0	0

GME -- Groundwater Monitoring Evaluation	1	1
NRR -- Non-Financial Records Review	13	13
OAM -- Operation and Maintenance	6	9
SNY- Significant Non-Complier	14	15
Total	137	146

Evaluation Count includes all Evaluation Types at all facilities including multiple inspections at a single facility.

Violation Identification Rate at sites with inspections: (SRF Metric 7)

For the above charts no summary of facility violations discovery rate was indicated for the reporting period.

Enforcement:

Significant Non-Compliers (SNCs) (SRF Metric 8):

The National Average for SNC identification is 1.5 percent inspections result in identifying SNCs. RCRAInfo indicate 24 facilities were identified as SNCs during the period of 10/1/2012 through 9/30/2013, resulting in a 19% SNC identification rate for ADEQ.

The number of sites inspections in SNC status during this period is 25 (based on a SRF pull by ADEQ on 10/05/2013, and EPA report on 10/25/13). Both reports indicated 25 inspections received various formal enforcement actions. In the table below only 22 facilities are listed. Eight (8) actions were untimely; the remaining facilities in SNC status were not due for enforcement at the time of this report.

SNC Addressed with Formal Enforcement:

Facility Name	ID #	Evaluation Date	Enf. Type	#Days	Initial Penalty	Settled Penalty	Collected	SEP
A & B BATTERIES	ARR000024067	05/01/13	310	127		\$ 325	\$ 325	
AMFUEL	ARD008049298	09/18/12	310	170		\$30,000	\$30,000	
ASHLAND, INC	ARR000000810	06/19/12	310	211		\$ 4,500	\$ 4,500	
BAPTIST HEALTH MEDICAL	ARD155769342	04/25/12	310	173		\$ 9,562.50	\$ 9,562.50	
BEAN LUMBER COMPANY	ARD067677286	03/24/11	210	557	\$ 4,500			
BODYCOTE K-TECH	ARR000012153	03/15/12	310	201		\$ 31,593.75	\$ 31,593.75	
CLEAN HARBORS EL DORADO	ARD069748192	06/18/12	310	227		\$ 3,575	\$ 3,575	\$1,925
	ARD069748192	04/16/13	310	146		\$ 11,977.30		\$2,941.30
COUNTRY MEDICAL SERVICE	ARR000022574	12/31/10	610	769				
CURT BEAN LUMBER CO	ARD981913460	04/06/11	410	601	\$ 10,000			

DUPONT EL DORADO PLANT	ARR000017574	05/17/13	310	103		\$ 3,250		
GEORGE IVORY	ARR000022442	06/29/11	310	576		\$ 2,125	\$ 2,125	
HAIRRELL LUMBER	ARD006348353	08/02/12	210	286				
	ARD006348353	08/02/12	430	370	\$ 20,000			
KOPPERS INC.	ARD006344824	02/27/13	310	182		\$ 6,400		\$2,240
MUELLER COPPER TUBE PRODU	ARD007028913	10/11/12	310	216		\$ 7,600	\$ 4,000	\$4,000
PINE BLUFF ARSERNAL	AR0213820707	08/23/12	310	141		\$ 4,500	\$ 4,500	
PPG PROTECTIVE AND MARINE	ARD007240716	10/17/12	310	168		\$15,500	\$15,500	
QUAPAW PRODUCTS, LLC	ARR000024398	08/13/13	210	48	\$295,250			
STREET & PERFORMANCE INC.	ARR000006957	10/20/11	210	551	\$635.350			
TAYLOR MADE AMBULANCE	AR0000110049	06/01/12	310	179		\$11,250	\$11,250	
WALKER AUTO RANCH & SALVA	ARR000024109	04/24/13	310	148		\$10,000		
WHITWORX FINE METAL FINISH	ARR000022673	10/03/11	210	468	\$ 27,000			\$0
	ARR000022673	10/03/11	310	540		\$13,500	\$ 3,500	
WILLIAMS WORKS LLC	ARR000019497	05/05/11	310	547	\$105,875	\$ 9,175		\$9,175

210 = Initial (3008) Compliance Order; 310 = Final 3008(a) Compliance Order; 320 = Final Imminent Hazard Order; 510 = Initial Civil Judicial Action for Compliance and/or Monetary Penalty; 430 = Referral to District Attorney/City Attorney/County Attorney/State Attorney; 610 = Final Civil/Judicial Action for Compliance and/or Monetary Penalty

Secondary Violators (SVs)

Formal Enforcement Actions:

Facility Name	ID #	Evaluation Date	Enf. Type	#Days	Settled Penalty	Collected	SEP
None							

ADEQ reported in their End of Year self reporting Compliance Evaluations report 62 Compliance Evaluations with violations. Facilities were either issued no enforcement action, informal enforcement action, or enforcement action yet to be determined at the time of this report. The actions below came from RCRAInfo dated November 15, 2013.

Informal Enforcement Actions:

Type of Action	Facilities	Number of Actions
Written Informal (RCRAInfo Code 120)	55	58
Letter of Intent to Initiate Enforcement (RCRAInfo Code 140)	16	18
Proposed CAO (RCRAInfo Code 149)	13	14
Total	84	90

Of the 84 facilities identified ADEQ elevated 19 to SNC status, see below:

Facility Name	ID #	Evaluation Date	Enf. Type	#Days
A & B BATTERIES	ARR000024067	05/01/13	149	90
AMFUEL	ARD008049298	09/18/12	149	113
ASHLAND, INC	ARR000000810	06/19/12	149	112
CLEAN HARBORS EL DORADO	ARD069748192	06/18/12	149	155
DUPONT EL DORADO PLANT	ARR000017574	05/17/13	149	82
GRACE MANUFACTURING, INC	ARD082577602	07/25/13	140	54
HAIRRELL LUMBER	ARD006348353	08/02/12	140	126
HALL MANUFACTURING	ARR000006981	08/22/13	140	34
KOPPERS INC.	ARD006344824	02/27/13	149	92
MUELLER COPPER TUBE PRODU	ARD007028913	10/11/12	149	147
NOEL BEARD PROPERTY	ARR000023994	03/01/13	149	164
PINE BLUFF ARSERNAL	ARO213820707	08/23/12	149	116
PPG PROTECTIVE AND MARINE	ARD007240716	10/17/12	149	134
PLANT MAINTENANCE SERVICE	ARR000021774	07/29/13	140	38
QUAPAW PRODUCTS, LLC	ARR000024398	08/13/13	140	24
STREET & PERFORMANCE INC.	ARR000006957	01/09/13	140	2
TAYLOR MADE AMBULANCE	ARO000110049	06/01/12	149	150
WALKER AUTO RANCH & SALVA	ARR000024109	04/24/13	149	113
WHITWORX FINE METAL FINISH	ARR000022673	10/03/11	149	379

Timely and Appropriate Enforcement (SRF Metric 10):

Actions issued during this period outside the timelines outlined in the ERP were approved for an alternative enforcement scheduled as allowed by the Enforcement Response Policy (ERP), and appear to be appropriate based on the data in RCRAInfo. According to RCRAInfo two (2) facilities did not receive penalties.

State Inspection and Enforcement Analysis (5 Year Period)

Inspections/Enforcement:

ADEQ Fiscal Year	Number of Evaluations	Administrative Enforcement	Other Enforcement
2009	87	18	81
2010	117	21	108
2011	113	22	97
2012	149	29	130
2013	141	22	90

Inspection and enforcement information is from RCRAInfo.

Administrative Enforcement actions are initial formal orders (RCRAInfo Code: 210), combination of initial formal orders (RCRAInfo Code: 290), final orders (RCRAInfo Code 310), Initial civil judicial action for compliance and/or monetary penalty (RCRA Code: 510), consent decrees (RCRAInfo Code: 610), and judicial orders (RCRAInfo Code 620) and final civil judicial action for interim corrective action (RCRA Code 630).

Other Enforcement actions are verbal warnings (RCRAInfo Code: 110), notices of violations (RCRAInfo Code: 120), notice to comply (RCRAInfo Code: 122), letter of intent to initiate enforcement (RCRAInfo Code 140), and referrals (i.e., EPA, State Superfund, District Attorney, Criminal)

Penalties: Penalty information is from RCRAInfo.

ADEQ Fiscal Year	Final Penalties	SEP
2009	\$318,207.00	\$35,000.00
2010	\$174,618.75	\$0
2011	\$151,550.75	\$0
2012	\$363,300.00	\$0
2013	\$174,834.00	\$11,106.30